



**US Army Corps
of Engineers.**
Philadelphia District
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
ATTN: CENAP-OP-R

Public Notice

Public Notice No.
CENAP-OP-R-2007-27-45

Date

JAN 26 2007

Application No.

File No.

In Reply Refer to:
REGULATORY BRANCH

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

APPLICANT: HARTS LANDING

AGENT: Evelyn M. Maurmeyer, Ph.D.
Coastal & Estuarine Research, Incorporated
Marine Studies Complex
P.O. Box 674
Lewes, Delaware 19958

WATERWAY: Love Creek

LOCATION: The project is located on the east side of DE Route 24, Tax Map Parcels 3-34-18.00-2.00, 3.00, 4.00, 13.00, and 14.00, Lewes, Sussex County, Delaware.

ACTIVITY: The applicant proposes to construct two hundred forty six (246') linear feet of fixed wooden pier for the proposed residents of the Harts Landing residential subdivision. As shown on plans E-3 and E-4, the proposed pier would consist of four sections. The first section would be twenty (20') feet long by five (5') feet wide and constructed in uplands. The next two sections would be one hundred fifty (150') feet long by four (4') feet wide, and fifty (50') feet long by four (4') feet wide and constructed over non-tidal Forested and tidal emergent wetlands, respectively. The last section would be twenty (20') feet long by six (6') feet wide ending with a fifteen (15') feet long by six (6') feet wide "T" and constructed within open tidal waters of the United States (U.S.). The fixed pier would be constructed a minimum of three and a half (3.5') feet above the surface of the forested wetlands, and four (4') feet above the surface of the emergent wetlands. As shown on plan E-5, the pier would be constructed four (4') feet above the mean high water line/elevation. The proposed water ward most end of the pier would be a minimum of thirty (30') feet from the edge of the waterway's channel. In addition, the proposed pier would not be used to moor boats. At this time, no navigational hazards have been identified.

The applicant proposes to construct/install the fixed pier and associated piling using Chromated Copper Arsenate (CCA) treated building materials (wood) within Federally regulated

waters and wetlands of the U.S. The construction of the fixed pier would impact approximately 0.018 acres of forested and emergent wetlands and 0.004 acres of tidal waters of the U.S. As proposed by the applicant, no grading activities or clearing of vegetation would occur within wetlands for the construction of the fixed pier and residential subdivision.

PURPOSE: The purpose of the project is to construct a fixed pier for the proposed residents of the Harts Landing residential subdivision to access Love Creek for crabbing, fishing, and/or recreation.

A preliminary review of this application indicates that the proposed work would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work should be submitted, in writing, within 30 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

Review of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located within the permit area of the work.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded,

or undertaken by the agency that may adversely effect Essential Fish Habitat (EFH). The proposed project is not located within a designated EFH area.

In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact of the proposed and/or existing activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling Bryan P. Bellacima at (215) 656-6732 between the hours of 1:00 and 3:30 p.m. or writing this office at the above address.



Frank J. Cianfrani
Chief, Regulatory Branch

**PROPOSED COMMUNITY WALKWAY/CRABBING PIER:
200' X 5' ELEVATION WETLAND WALKWAY;
20' X 5' PIER; AND 5' X 15' DOCK**
IN: Love Creek
AT: Hart's Landing, Route 24
Lewes, Sussex County, DE 19958
Tax Map Parcels #3-34-18.00-2.00, 3.00, 4.00, 13.00, 14.00
APPLICANT: John Bittner, HR HART, LLC
DATE: March, 2006

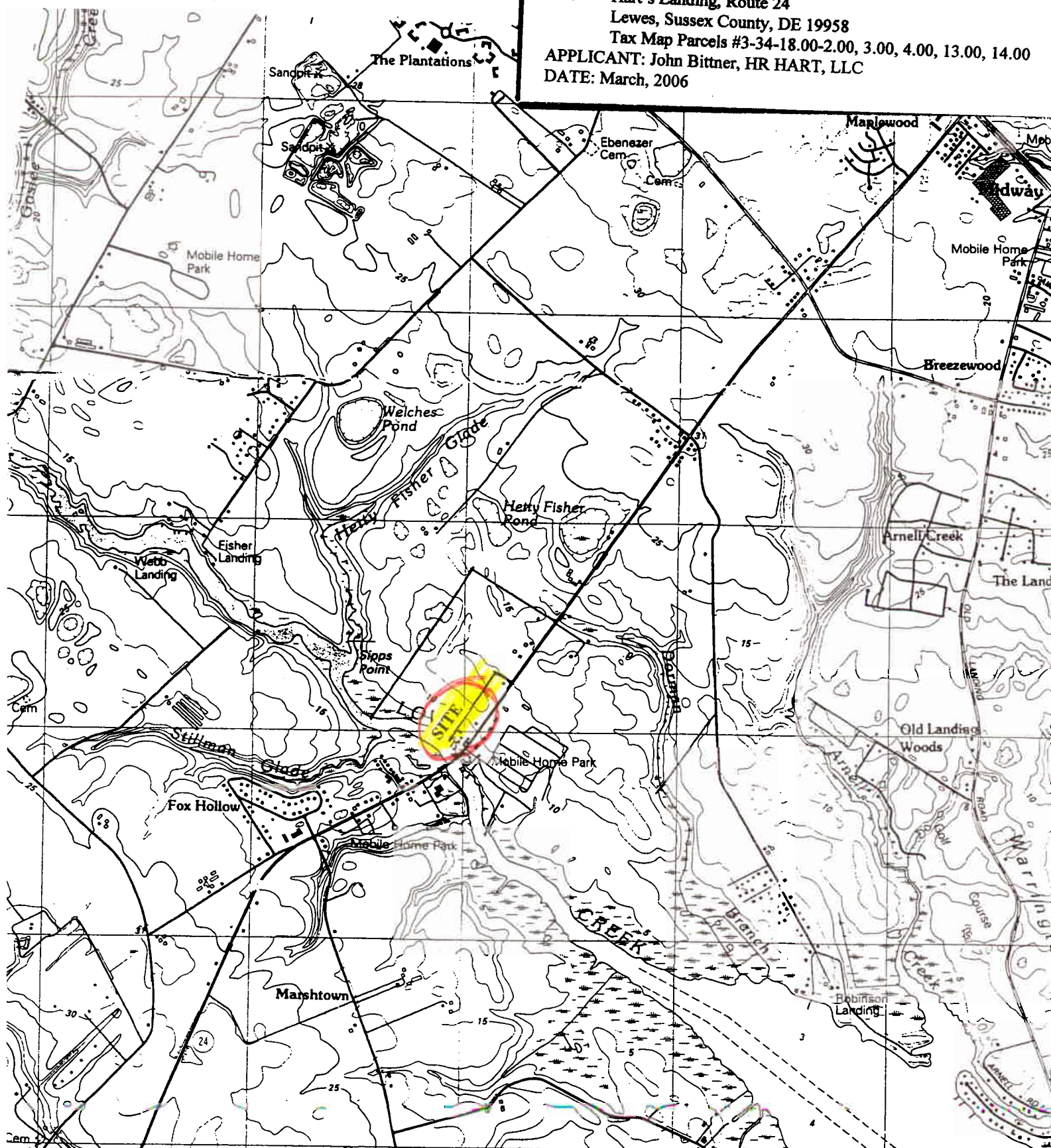


Figure 3. Site location on U.S.G.S. topographic map, Fairmount, Delaware quadrangle. Site is adjacent to Love Creek, a tributary of Rehoboth Bay. Scale: 1" = 2,000'.

E-1

Hart's Landing at LOVE CREEK

DE. ROUTE 24 LEWES-REHOBOTH HUNDRED

Figure 6.

Site plan of Hart's Landing showing
location of proposed community
crabbing pier.

PROPOSED COMMUNITY WALKWAY/ CRABBING PIER/
DOCK: 150' X 4' WALKWAY ACROSS FEDERAL 404
WETLANDS; 50' X 4' ELEVATED WALKWAY OVER
DNREC-REGULATED WETLANDS; 20' X 6' PIER & 6' X 15'
DOCK

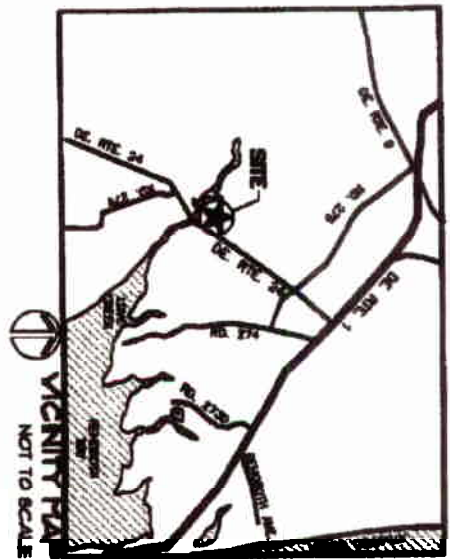
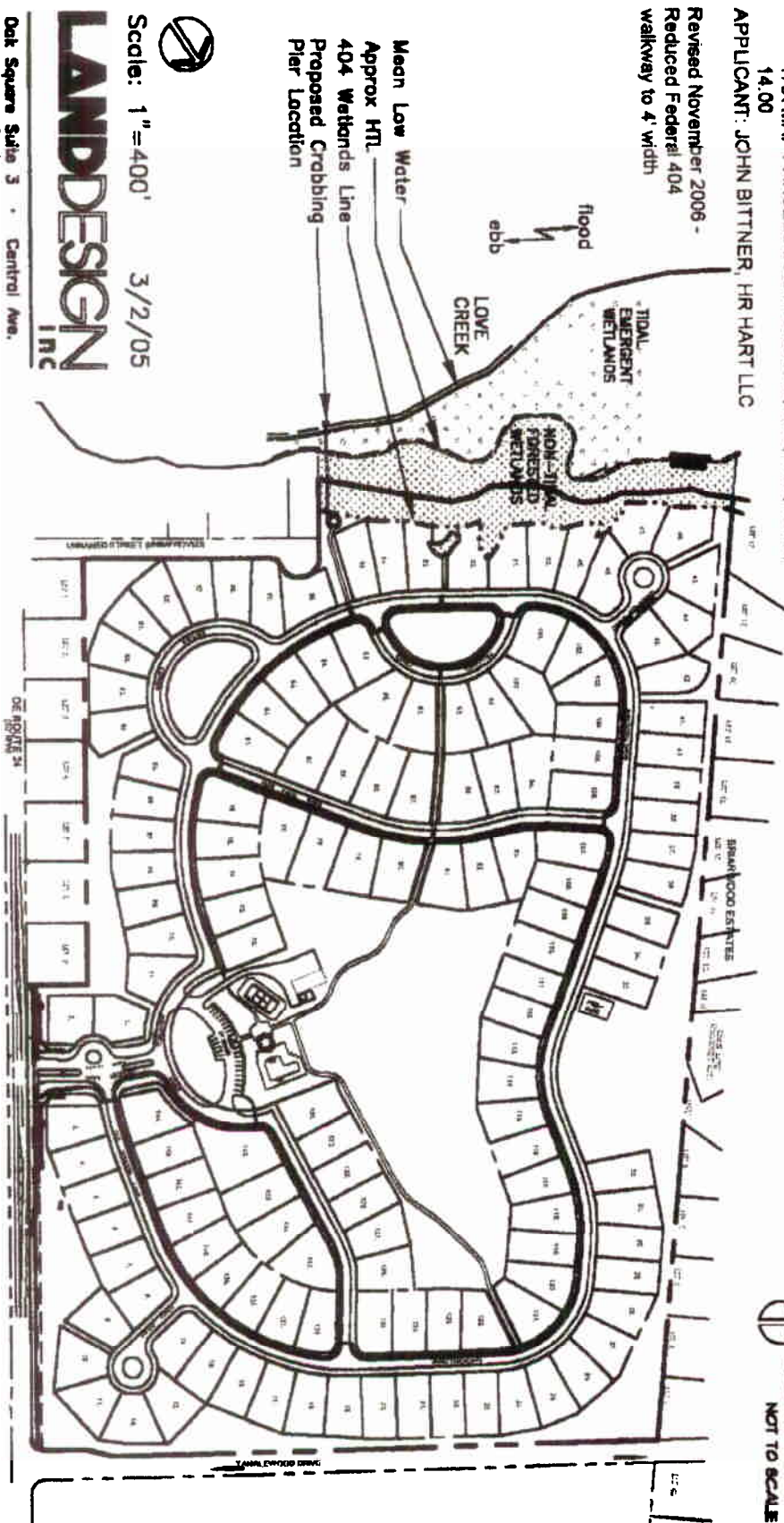
IN: LOVE CREEK
AT: HARTS LANDING, ROUTE 24

LEWES, SUSSEX COUNTY, DE 19958

TAX MAP PARCELS #3-34-18.00-2.00, 3.00, 4.00, 13.00,
14.00

APPLICANT: JOHN BITTNER, HR HART LLC

Revised November 2006 -
Reduced Federal 404
walkway to 4' width



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landdm@aol.com Fax: (302)538-0328

Hart's Landing

at LOVE CREEK

DE. ROUTE 24 LEWES-REHOBOTH HUNDRED

PROPOSED COMMUNITY WALKWAY/ CRABBING PIER/
DOCK: 150' X 4' WALKWAY ACROSS FEDERAL 404
WETLANDS; 50' X 4' ELEVATED WALKWAY OVER
DNREC-REGULATED WETLANDS; 20' X 6' PIER & 6' X 15'

DOCK
IN: LOVE CREEK
AT: HART'S LANDING, ROUTE 24

LEWES, SUSSEX COUNTY, DE 19958
TAX MAP PARCELS #3-34-.18.00-2.00, 3.00, 4.00, 16.00,
14.00

APPLICANT: JOHN BITTNER, HR HART LLC
DATE: REVISED NOVEMBER 2006 (REDUCE
FEDERAL 404 WALKWAY TO 4')

Revised November 2006 - flood
Reduced Federal 404
walkway to 4' width

TEE DOCK 6'
X 15'
APPROXIMATE MHW
APPROXIMATE MLW

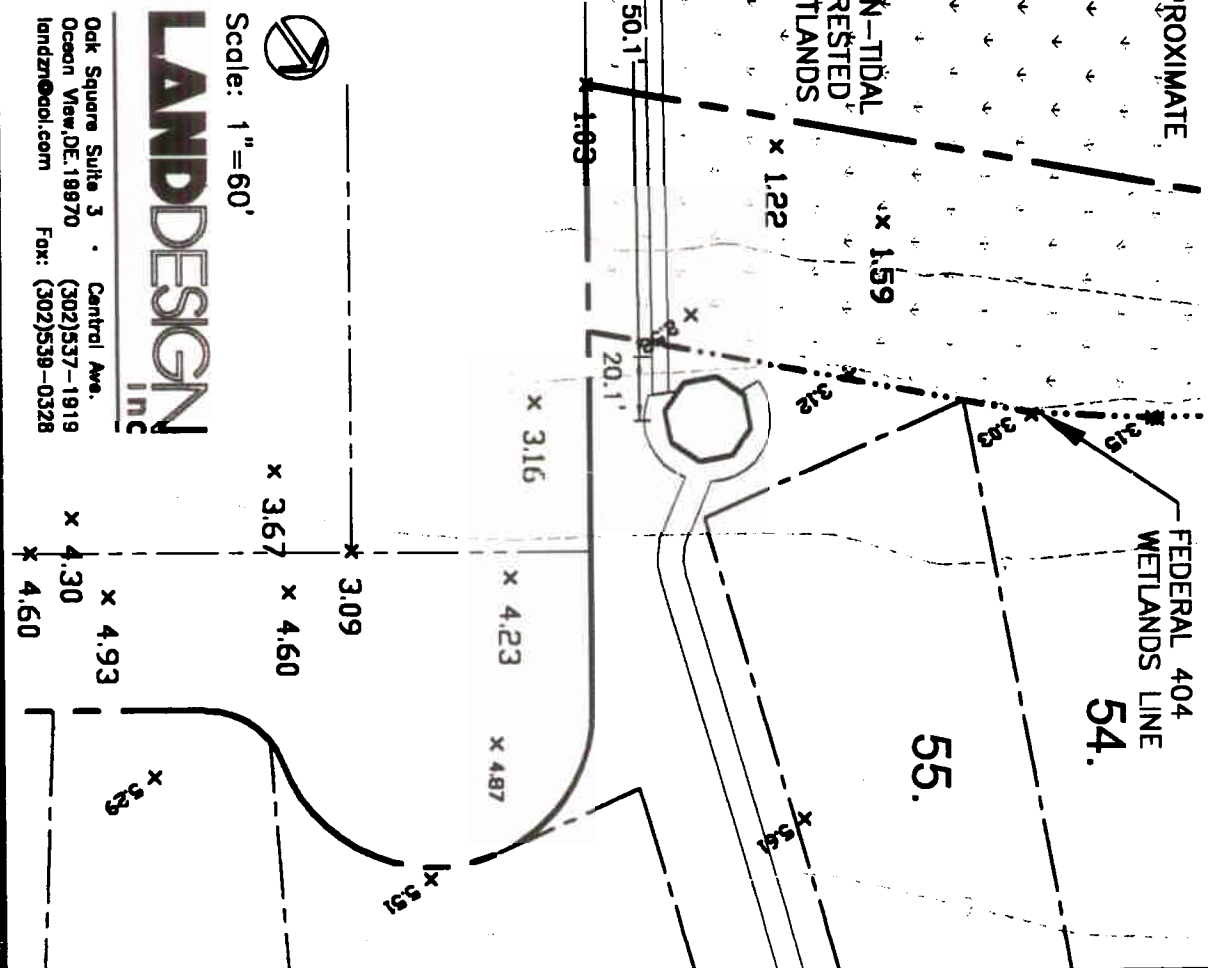
PROPOSED CRABBING PIER
240' LENGTH TOTAL:

20' X 5' UPLANDS
150' X 4' NON-TIDAL FORESTED WETLANDS
50' X 4' TIDAL EMERGENT WETLANDS
20' X 6' T-DOCK
PILINGS TO BE LOCATED 10' O.C.

Figure 7.

Plan view of proposed community
crabbing pier, Hart's Landing. Diagram for
permit application purposes only.

PROPOSED CRABBING PIER PROPOSED PIER PLAN ENLARGEMENT



Hart's Landing

at LOVE CREEK

DE. ROUTE 24 LEWES-REHOBOTH HUNDRED

PROPOSED COMMUNITY WALKWAY / CRABBING PIER

DOCK: 150' X 4' WALKWAY ACROSS FEDERAL 404

WETLANDS; 50' X 4' ELEVATED WALKWAY OVER

DNREC-REGULATED WETLANDS; 20' X 6' PIER & 6' X 15'

DOCK

IN: LOVE CREEK

AT: HART'S LANDING, ROUTE 24

LEWES, SUSSEX COUNTY, DE 19958

TAX MAP PARCELS #3-34-18.00-2.00, 3.00, 4.00, 13.00,

14.00

APPLICANT: JOHN BITTNER, HR HART LLC

DATE: REVISED NOVEMBER 2006 (REDUCE

FEDERAL 404 WALKWAY TO 4')

Figure 8a.

Cross-section of proposed community walkway, crabbing pier and dock, Hart's Landing. Diagram for permit application purposes only.

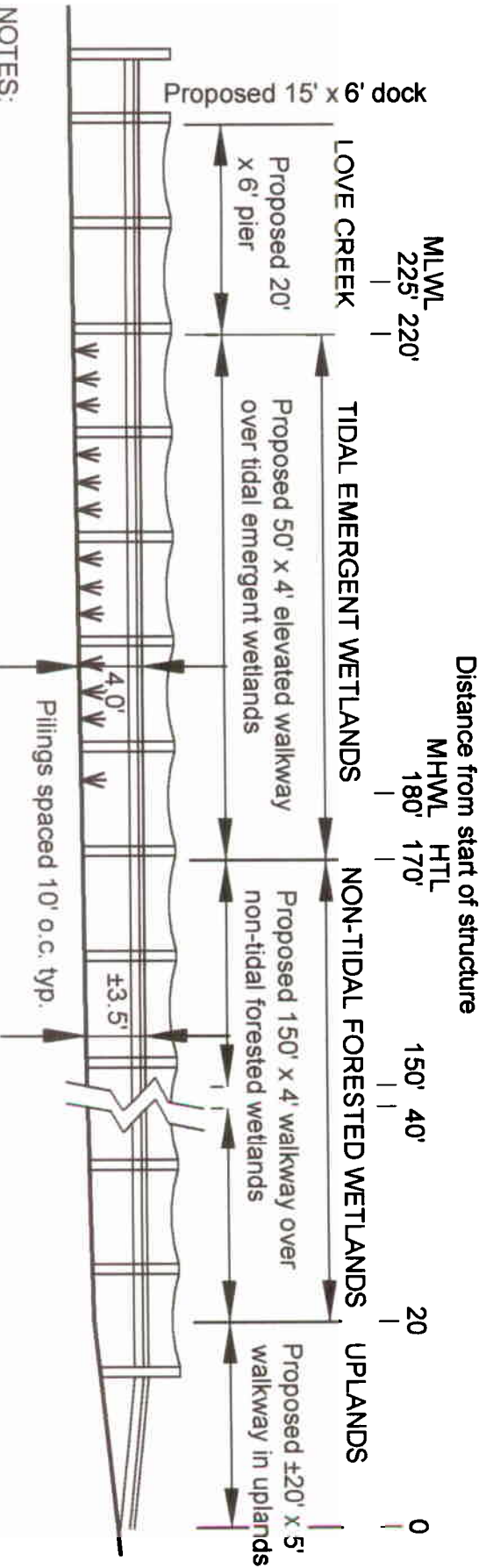
PROPOSED CRABBING PIER SECTION OF PROPOSED PIER

LANDDESIGN
inc

Oak Square Suite 3 • Central Ave.
Ocean View, DE 19870 (302) 537-1919
landzn@aol.com Fax: (302) 539-0328

Scale: 1/16" = 1'

Revised November 2006 -
Reduced Federal 404
walkway to 4' width



NOTES:

1. MHW elev. = ±1.15'
2. Elevation of structure = ±5.15'
3. Distance to edge of channel (from end of dock) = ±30'
4. Pilings will extend 30" (2.5') above decking
5. Treated cable handrail along sides of structure
6. 4" x 4" wheelchair stops along edge of decking

Hart's Landing

at LOVE CREEK

DE. ROUTE 24 LEWES-REHOBOTH HUNDRED

PROPOSED COMMUNITY WALKWAY/ CRABBING PIER/

DOCK: 150' X 4' WALKWAY ACROSS FEDERAL 404

WETLANDS; 50' X 4' ELEVATED WALKWAY OVER

DNREC-REGULATED WETLANDS; 20' X 6' PIER & 6' X 15' DOCK

IN: LOVE CREEK

AT: HART'S LANDING, ROUTE 24

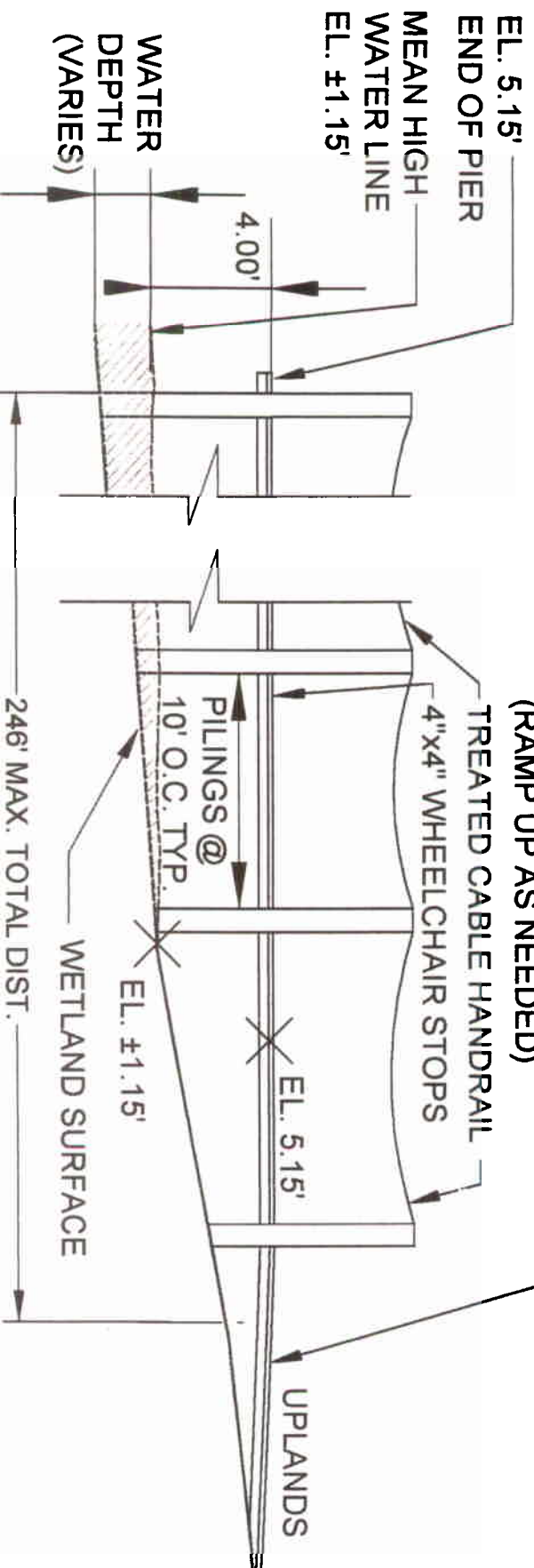
LEWES, SUSSEX COUNTY, DE 19956

TAX MAP PARCELS #3-34-18.00-2.00, 3.00, 4.00, 13.00, 14.00

APPLICANT: JOHN BITTNER, HR HART LLC

DATE: REVISED NOVEMBER 2006 (REDUCE FEDERAL 404 WALKWAY TO 4')

LOVE CREEK



NOTE: FOR PERMIT PURPOSES ONLY,
NOT A CONSTRUCTION DRAWING.

Figure 8. Cross-section of proposed community crabbing pier, Hart's Landing. Diagram for permit application purposes only.

PROPOSED CRABBING PIER SECTION OF PROPOSED PIER

LANDDESIGN
inc

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Scale: 1/4" = 1'

Revised November 2006 -
Reduced Federal 404
walkway to 4' width

5-1